

## DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that: My residence, post office address, and citizenship are as stated below next to my name. I am the sole inventor of the subject matter claimed for which a patent is sought on the invention entitled:

METHODS FOR IDENTIFYING SPECIES OF *SHIGELLA* AND *E. COLI*  
USING OPERON SEQUENCE ANALYSIS

the specification of which is attached. I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information material to the examination of this application in accordance with Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Country (if PCT indicate PCT)	Application Number	Date of Filing (day, month, year)	Priority Claimed Under 35 U.S.C. § 119


I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

U.S. Applications			Status (Check One)		
U.S. Application Number	U.S. Filing Date		Patented	Pending	Abandoned
PCT Applications Designating the U.S.					
PCT Application No.	PCT Filing Date	U.S. Serial Number Assigned (if any)			

David J. Kulik, Reg. No. 36,576.

**Frank Portugal**  
**CABTECH, Inc.**  
**9105 Fall River Lane**  
**Potomac, MD 20854**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Inventor	Inventor's Signature	Date
Frank H. PORTUGAL		2/20/98
Residence	Country of Citizenship	
9105 Fall River Lane, Potomac, MD 20854	U.S.	
Post Office Address		
9105 Fall River Lane, Potomac, MD 20854		

Applicant: Frank H. PORTUGAL

Serial or Patent No.: \_\_\_\_\_ Attorney's Docket No.: Cab-001

Filed: filed herewith

For: METHODS FOR IDENTIFYING SPECIES OF SHIGELLA AND E. COLI  
USING OPERON SEQUENCE ANALYSIS

**VERIFIED DECLARATION CLAIMING SMALL ENTITY STATUS  
UNDER 37 C.F.R. §§ 1.9(f) AND 1.27(b) - INDEPENDENT INVENTOR**

As below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. § 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled METHODS FOR IDENTIFYING SPECIES OF SHIGELLA AND E. COLI  
USING OPERON SEQUENCE ANALYSIS described in

- ☒ the specification filed herewith.  
☐ Application Serial No.: \_\_\_\_\_, filed: \_\_\_\_\_.  
☐ Patent No.: \_\_\_\_\_, issued: \_\_\_\_\_.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization.  
☐ persons, concerns, or organizational listed below.\*

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27).

FULL NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

INVENTOR: Frank H. PORTUGAL  
Citizenship: U.S.  
Post Office Address/ 9105 Fall River Lane, Potomac, MD 20854  
Residence: same as above

2/20/98

Date

Frank Portugal

Signature